

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERNEST DEAN CARPENTER,

Petitioner,

vs.

D. W. NEVEN, et al.,

Respondents.

Case No. 2:11-CV-00867-PMP-(CWH)

ORDER

The court determined that petitioner had not exhausted his available state-court remedies for all grounds. Order (#18). Petitioner has submitted a declaration (#19) and an amended declaration (#20), in which he states his desire to return to state court to exhaust his available remedies. Consequently, the court will dismiss this action.

Reasonable jurists would not find this decision to be debatable or wrong, and the court will not issue a certificate of appealability.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice. The clerk of the court shall enter judgment accordingly.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

DATED: January 27, 2012.



PHILIP M. PRO
United States District Judge